

1  
2  
3  
4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

6 \* \* \*

7 BANK OF AMERICA, N.A.,

8 Plaintiff,

Case No. 2:16-cv-0535-KJD-NJK

9 v.

10 SAGECREEK HOMEOWNERS  
11 ASSOCIATION, *et al.*,

12 Defendants.

**ORDER**

13 Before the Court is Bank of America's court-ordered Status Report (#63). On July 24,  
14 2019, the Court granted summary judgment in favor of Bank of America on its claims against  
15 defendants SFR Investments Pool 1, LLC and against Erik and Lauralee Novy. In that order, the  
16 Court quieted title in the bank and found that any interest SFR Investments Pool 1 claimed in  
17 1063 Country Skies Avenue, Las Vegas, Nevada, it took subject to Bank of America's first deed  
18 of trust. The order did not dispose of Bank of America's remaining wrongful foreclosure and  
19 breach of NRS § 116 claims against defendants Sagecreek Homeowners Association and  
20 Absolute Collection Services. And so, the Court directed Bank of America to file a status report  
21 as to its claims against those defendants.

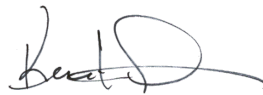
22 Bank of America has filed its status report (#63). In it, the bank informed the Court that it  
23 does not intend to pursue its claims against Sagecreek or Absolute Collection Services "so long  
24 as the court's judgment [that] the deed of trust survived the foreclosure sale is not reversed on  
25 appeal." (#63 at 1). To that end, Bank of America requests that the Court dismiss its wrongful  
26 foreclosure and breach of NRS § 116 claims as moot so that it may pursue those claims in the  
27 event this Court's order is disturbed on appeal.

28 Given that Bank of America would only pursue its wrongful foreclosure and breach of

1 NRS § 116 claims if its quiet title claim failed, the Court dismisses them as alternative claims.  
2 Because the Court has quieted title in Bank of America, the Court finds that the bank's wrongful  
3 foreclosure and breach of NRS § 116 claims against Sagecreek Homeowners Association and  
4 Absolute Collection Services are moot.

5 Accordingly, IT IS HEREBY ORDERED that Bank of America's wrongful foreclosure  
6 and breach of NRS § 116 claims against Sagecreek Homeowners Association and Absolute  
7 Collection Services are **DISMISSED AS MOOT**.

8 Dated this 16th day of August, 2019.

9  
10 

11 \_\_\_\_\_  
12 Kent J. Dawson  
13 United States District Judge  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28